

REMARKS

INTRODUCTION

In accordance with the foregoing, claim 1 has been amended. Claims 1-6 are pending and under consideration.

CLAIM REJECTIONS – 35 USC 103

In the Office Action at page 2, the Examiner rejected claims 1-6 under 35 U.S.C. § 103(a) as being patentable over Yan (US 6,131,202) (hereinafter "Yan") in view of Hotta et al. (US 6,705,353) (hereinafter "Hotta"). This rejection is traversed and reconsideration is requested.

Yan teaches a cap 2 having a plurality of gores 4, 6, 8, 10, 12 and 14, a head liner 24 and a bill 16. Yan, column 2, lines 15-39. The gores of the cap 2 are constructed of cotton woven with spandex. Yan, column 3, lines 56-58. The head liner 24 is made of a foam polymer having an open air cell porosity. Yan, column 4, lines 26-39.

Hotta teaches a woven stretch fabric prepared from a false twisted yarn of a multifilamentary yarn. Hotta, column 2, lines 42-46.

Amended claim 1 recites "...wherein the woven fabric of textured yarns is woven with 150 denier polyester as warp yarns and with 150 denier textured polyester yarns as weft yarns, and the knitted fabric is knitted with 150 denier polyester textured yarn." Support for this amendment may be found in paragraph [0019] of the Specification. Amended claim 1 recites elastic headwear made of woven fabric composed of textured yarns. In contrast to amended claim 1, Yan teaches cotton woven with spandex. The fabric disclosed in Hotta is made using false twisted yarn of a PTT multi-filamentary yarn in order to provide excellent surface flatness. In contrast to amended claim 1, Hotta does not recite 150 denier polyester as warp yarns and 150 denier textured polyester yarns as weft yarns.

Claims 2-6 depend on claim 1, and are therefore patentable over Yan and Hotta at least due to their dependency from claim 1. Further, claims 2-6 recite features that patentably distinguish over Yan and Hotta, taken alone or in combination. For example, claim 2 recites that the sweatband comprises textured yarns.

Withdrawal of the foregoing rejection is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: 

Michael J. Badagliacca
Registration No. 39,099

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501